

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Alfred Clark,

2:17-cv-01065-JAD-VCF

Plaintiff

V.

New Century Mortgage Company, et al.,

Defendants

Order Denying Motion for Default

[ECF No. 22]

10 Plaintiff Alfred Clark requests “entry of default judgment” against defendant U.S. Bank.¹
11 This request is premature. The Clerk of Court may only enter default against a party when the
12 deadline for its response has passed without any appearance. U.S. Bank’s response is not yet late;
13 the Magistrate Judge gave U.S. Bank until July 10, 2017, to answer or otherwise respond to Clark’s
14 lawsuit.² And Rule 55 of the Federal Rules of Civil Procedure, which governs defaults and default
15 judgments, requires that a default be entered by the Clerk of Court before a default judgment can be
16 requested. Because the Clerk has not yet entered—and cannot yet enter—default against U.S. Bank,
17 Clark’s request for a default *judgment* is fatally early.

18 Accordingly, IT IS HEREBY ORDERED that Clark's Motion for Entry of Default Judgment
19 Against U.S. Bank [ECF No. 22] is DENIED.

Dated this 6th day of July, 2017


Jennifer A. Dorsey
United States District Judge

28 || ¹ ECF No. 22.

² ECF No. 20 (minutes).